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920522-905374

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE THE APPLICATION OF

Zeger Debyser et al.

SERIAL NO.: 10/019,359

FILED: April 11, 2002

FOR: A Synthetic Gene for Expression of  
Retroviral Protein With Wild Type Activity  
In Eukaryotic Cells

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)  
) Examiner: Myron G. Hill  
)  
) Group Art Unit: 1648  
)  
) Customer Number: 23644  
)  
)  
)

I hereby certify that this correspondence is being transmitted to  
the above - identified examiner at the United States Patent and  
Trademark Office (703) 872-9306 on November 19, 2003.  
Name of person signing Jennifer J. Ramirez  
Signature \_\_\_\_\_

**RESPONSE TO RESTRICTION REQUIREMENT OF OCTOBER 20, 2003**

Honorable Director of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement of October 20, 2003 regarding this application, the applicants elect, with partial traverse, Group VI, consisting of claims 83 - 88. However, for the reasons explained below, it is believed that the invention to be considered should consist of Groups VI through VIII, and reconsideration to that extent is requested.

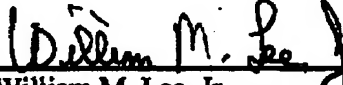
It is submitted that the "inventions" of Groups VII (claim 89) and VIII (claim 90) relate to the same inventive concept as Group VI. Indeed, the examiner has not indicated different areas of classification, and it is submitted that there would be no difference. Claims 83 through 88 relate to a synthetic gene, which has been adapted to improve expression, while claims 89 and 90 are drawn to transfection of a Eukaryotic cell using this synthetic gene and the Eukaryotic cells expressing this gene. The process claim includes all of the limitations of the product claim, as

does the product obtained by such a process. Thus, upon reconsideration, it is submitted that Groups VII and VIII should be considered with Group VI.

Therefore, to that extent, reconsideration is requested. The applicants will, at the appropriate time, consider filing divisional application(s) directed to the other non-elected groups.

November 19, 2003

Respectfully submitted,

  
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